REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

No claims are currently being cancelled.

Independent claims 1, 51 and 59 are currently being amended to remove features added by way of a supplemental amendment filed on September 3, 2009 (and presumably by way of an amendment and reply filed on August 25, 2009), which resulted in a Notice of Non-Responsive Amendment being issued by the PTO. Also, dependent claims 2-4 and 27 have been amended based on the amendments made to independent claim 1.

No claims are currently being added.

This amendment and reply amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-4, 25-32, 50, 51 and 59 are now pending in this application for examination on the merits, whereby claims 5-18, 21, 22, 33-38, 40-49, 52-58 and 60-78 are also pending but are withdrawn from consideration.

Prior Art Rejections:

Claim 1 now recites:

an editing probability model estimation unit configured to <u>use a probability model of a probability for an editing process to be applied to an image</u> inputted thereto;

a small region compare unit configured to compare a feature quantity for each divided small region of an inquiry image with a feature quantity for each divided small region of a reference image; and

an image similarity calculation unit configured to calculate an image similarity between the inquiry image and the reference image, <u>based on a comparison result output by the small region compare unit</u>.

The claimed editing probability model estimation unit and the claimed small region weight calculation unit are features not disclosed or suggested by Peng et al. Rather, Peng et al. describes an image retrieval system that performs a simple K-nearest neighbor search and a weighted K-nearest neighbor search, and whereby it computes an estimation of relevance for retrieved images based on user feedback.

Accordingly, presently pending independent claim 1, as well as presently pending independent claims 51 and 59 that have been amended in a similar manner, are not anticipated by Peng et al.

Still further, dependent claim 27 recites that <u>each small region is weighted in proportion to overlapping areas</u>, whereby such features are not disclosed or suggested by Peng et al.

Conclusion:

Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date _November 3, 2009_

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